

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**THE ESTATE OF ROY C. ASHFORD,  
By and Through Terell Ashford, Administrator  
of the Estate of Roy C. Ashford and  
TERELL ASHFORD, Individually and on  
Behalf of all the Wrongful Death Beneficiaries  
of Roy C. Ashford,**

**PLAINTIFFS,**

**VS.**

**CIVIL ACTION NO. 1:09CV262-P-D**

**MISSISSIPPI DEPARTMENT OF CORRECTIONS;  
CHRISTOPHER EPPS, Commissioner of the  
Mississippi Department of Corrections;  
OKTIBBEHA COUNTY, MISSISSIPPI;  
OKTIBBEHA COUNTY SHERIFF'S DEPARTMENT;  
DOLPH BRYAN, Sheriff of Oktibbeha County, Mississippi;  
RICK SHARP and ROBERT ELMORE,  
Deputy Sheriffs of Oktibbeha County,  
Mississippi; and JOHN DOES 1-25,**

**DEFENDANTS.**

**ORDER**

In accordance with a Memorandum Opinion issued this day, **IT IS ORDERED AND ADJUDGED** that:

(1) Defendants Dolph Bryan, Rick Sharp, and Robert Elmore's motion [10] to dismiss the plaintiffs' claims against them in their individual capacities under the doctrine of qualified immunity is **GRANTED IN PART AND DENIED IN PART**; more specifically,

(2) The motion is granted as to Dolph Bryan and Robert Elmore; accordingly, the plaintiffs' claims against Dolph Bryan and Robert Elmore in their individual capacities are **DISMISSED WITH PREJUDICE** pursuant to the doctrine of qualified immunity;

(3) The motion is granted as to the plaintiffs' failure to train and/or supervise claim against Rick Sharp in his individual capacity, therefore that claim is **DISMISSED WITH PREJUDICE**;

and

(3) The motion is denied as to the plaintiffs' §1983 claim against Rick Sharp in his individual capacity because the court concludes that Rick Sharp is not entitled to qualified immunity on that claim.

**SO ORDERED** this the 28<sup>th</sup> day of February, A.D., 2011.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE